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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,172	02/08/2001	Kenneth A. Franken	00F1464	1736

24234 7590 08/07/2003

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EXAMINER

NARAYANASWAMY, SINDYA

ART UNIT PAPER NUMBER

2174

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

CM

Office Action Summary

Applicati n No.

09/681,172

Applicant(s)

FRANKEN ET AL.

Examiner

Sindya Narayanaswamy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 3, 5. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 9, 16 and 20 are presented for examination.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure and requested to provide a more descriptive abstract.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. Applicant is reminded of the proper content of an abstract of the disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 9, 16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler, US-5,758,259.

2. As per claim 9, Lawler teaches an electronic programming guide system comprising:

a browser at a first viewer location (Fig. 3c, col. 2, lines 57-61);

a computer system a second location (*interactive television system*), coupled to the browser via a computer network (Fig. 2, col. 3, lines 6-13);

the browser displaying a guide comprising a plurality of linearly arranged tabs, where each tab is a link to one of a plurality of views (*time view, category view*) of an electronic programming guide (col. 5, lines 31-40);

where each of the plurality of views is associated with one of a plurality of distinct view content characteristics (col. 5, lines 32-40);

wherein one of the plurality of distinct view content characteristics is variable, depending upon a user specific characteristic (col. 7, line 54-col. 8, line 3);

wherein the user specific characteristic comprises a computer-generated signal representative of prior programming selections made by a viewer (col. 9, lines 19-34);

wherein the signal is further representative of a duration characteristic of prior programming selections made by a viewer (*periodically determined preference correlations*) (col. 9, lines 12-26);

wherein the user specific characteristics further comprises an individual viewer selected preference (col. 1, line 65-col. 2, line 2);

wherein the guide includes a two-dimensional array of programming cells where each cell represents a different time slot associated with a different television channel (Fig. 3C, 106, 100, 104, 108; col. 5, lines 21-31);

wherein the plurality of linearly arranged tabs is disposed on a periphery of the two-dimensional array (Fig. 3C, 106); and

wherein the signal is further representative of an individual user and further representative of a distinct location from which the individual user is operating the browser (*viewer specific*) (col. 7, lines 35-43).

3. As per claim 16, it is the method claim of claim 9 and is rejected on the same rationale.

4. As per claim 20, it is similar in scope to claims 9 and 16 and is rejected on the same rationale. Lawler also teaches the additional steps of a system comprising

a PC at a first viewer location (*viewer station*), the PC having a browser, which provides information representative of an individual user's identity and a geographic location of the PC; where the individual user's identity is culled from login data on the PC (PIN) (col. 7, lines 37-53);

a computer system at a second location, coupled to the PC via a computer network (*interactive station controller system*)(Fig. 2, col. 8, lines 45-50);

wherein the user specific character further relates to a household level geographic location of the viewer (col. 7, lines 37-41);

wherein the user specific characteristic is further representative of a time of day, and a day of week characteristic of prior programming selections made by the viewer (col. 8, line 63-col. 9, line 6);

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wherein the guide includes a two-dimensional array of programming cells where each cell represents a different time slot associated with a different television channel (Fig. 3B);

wherein a floating cursor-linked display is provided for detailed programming information for a cell in the two-dimensional array of programming cells (col. 4, line 65- col. 5, line 7);

wherein the plurality of linearly arranged tabs is disposed on a periphery of the two dimensional array; and, wherein the periphery is a bottom side (Fig. 3C, 102, 106, 108).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Banker et al., US-5,477,262 – interface for channel selection.
- b. Young et al., US-5,479,266 – television scheduling system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number is (703) 305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 305-5404 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sindya Narayanaswamy

July 28, 2003

Kristine Kincaid
KRISTINE KINCAID
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